

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 10 entitled “An act relating to amending the Vermont
4 Employment Growth Incentive Program” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 32 V.S.A. § 3325 is amended to read:

8 § 3325. VERMONT ECONOMIC PROGRESS COUNCIL

9 (a) Creation. The Vermont Economic Progress Council is created to
10 exercise the authority and perform the duties assigned to it, including its
11 authority and duties relating to:

12 (1) the Vermont Employment Growth Incentive Program pursuant to
13 subchapter 2 of this chapter; and

14 (2) tax increment financing districts pursuant to 24 V.S.A. chapter 53,
15 subchapter 5 and section 5404a of this title.

16 (b) Membership.

17 (1) The Council shall have 11 voting members:

18 (A) nine residents of the State appointed by the Governor with the
19 advice and consent of the Senate who are knowledgeable and experienced in
20 the subjects of community development and planning, education funding
21 requirements, economic development, State fiscal affairs, property taxation, or

1 entrepreneurial ventures and represent diverse geographical areas of the State
2 and municipalities of various sizes;

3 (B) one member of the Vermont House of Representatives appointed
4 by the Speaker of the House; and

5 (C) one member of the Vermont Senate appointed by the Senate
6 Committee on Committees.

7 (2)(A) The Council shall have two regional members from each region
8 of the State, one appointed by the regional development corporation of the
9 region and one appointed by the regional planning commission of the region.

10 (B) A regional member shall be a nonvoting member and shall serve
11 during consideration by the Council of an application from ~~his or her~~ the
12 member's region.

13 (3) The Council shall provide not less than 30 days' notice of a vacancy
14 to the relevant appointing authority, which shall appoint a replacement not
15 later than 30 days after receiving notice.

16 * * *

17 (e) Operation.

18 (1) The Governor shall appoint a chair from the Council's members.

19 (2) The Council shall receive administrative support from the Agency of
20 Commerce and Community Development and the Department of Taxes.

21 (3) The Council shall have:

1 (A) an executive director appointed by the Governor with the advice
2 and consent of the Senate who is knowledgeable in subject areas of the
3 Council’s jurisdiction and who is an exempt State employee; and

4 (B) administrative staff.

5 (4) The Council shall adopt and make publicly available a policy
6 governing conflicts of interest that meets or exceeds the requirements of the
7 State Code of Ethics and shall include:

8 (A) clear standards for when a member of the Council may
9 participate or must be recused when an actual or perceived conflict of interest
10 exists; and

11 (B) a provision that requires a witness who is an officer of the State
12 or its political subdivision or instrumentality to disclose a conflict of interest
13 related to an application.

14 (5) The Council shall not enter into executive session to discuss
15 applications or other matters pertaining to the Vermont Employment Growth
16 Incentive Program under subchapter 2 of this chapter unless the Executive
17 Branch State economist and the Council’s legal counsel are present and have
18 been provided all relevant materials concerning the session.

19 * * *

20 Sec. 2. 32 V.S.A. § 3326 is amended to read:

21 § 3326. COST-BENEFIT MODEL

1 (a) The Council shall adopt and maintain a cost-benefit model for assessing
2 and measuring the projected net fiscal cost and benefit to the State of proposed
3 economic development activities.

4 (b) The Council shall not modify the cost-benefit model without the prior
5 approval of the Joint Fiscal Committee.

6 (c)(1) The Council shall contract with the Executive Branch State
7 economist to perform the cost-benefit analysis using the cost-benefit model
8 when considering an application for incentives under subchapter 2 of this
9 chapter.

10 (2) The Executive Branch State economist may consult with the
11 legislative Joint Fiscal Office or its agent concerning the performance of the
12 cost-benefit analysis and the operation of the cost-benefit model.

13 Sec. 3. 32 V.S.A. § 3340 is amended to read:

14 § 3340. REPORTING

15 (a) On or before September 1 of each year, the Vermont Economic
16 Progress Council and the Department of Taxes shall submit a joint report on
17 the incentives authorized in this subchapter to the House Committees on Ways
18 and Means, on Commerce and Economic Development, and on
19 Appropriations, to the Senate Committees on Finance, on Economic
20 Development, Housing and General Affairs, and on Appropriations, and to the
21 Joint Fiscal Committee.

- 1 (b) The Council and the Department shall include in the joint report:
- 2 (1) the total amount of incentives authorized during the preceding year
- 3 and the amount per business;
- 4 (2) with respect to each business with an approved application:
- 5 (A) the date and amount of authorization;
- 6 (B) the calendar year or years in which the authorization is expected
- 7 to be exercised;
- 8 (C) whether the authorization is active; ~~and~~
- 9 (D) the date the authorization will expire; ~~and~~
- 10 (E) the aggregate number of new qualifying jobs anticipated to be
- 11 created;
- 12 (F) the aggregate amount of new full-time payroll anticipated to be
- 13 created and average wage; and
- 14 (G) NAICS code; and
- 15 (3) the following aggregate information for claims processed:
- 16 (A) the number of claims and incentive payments made in the current
- 17 and prior claim years;
- 18 (B) the number of qualifying jobs for each approved claim; and
- 19 (C) the amount of new payroll and capital investment for each
- 20 approved claim.

1 (c) The Council and the Department shall present data and information in
2 the joint report in a searchable format.

3 (d) Notwithstanding any provision of law to the contrary, an incentive
4 awarded pursuant to this subchapter shall be treated as a tax expenditure for
5 purposes of chapter 5 of this title.

6 Sec. 4. 32 V.S.A. § 3341 is amended to read:

7 § 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS
8 INFORMATION

9 (a) The Vermont Economic Progress Council and the Department of Taxes
10 shall use measures to protect proprietary financial information, including
11 reporting information in an aggregate form.

12 (b)(1) Information and materials submitted by a business concerning its
13 application, income taxes, and other confidential financial information shall
14 not be subject to public disclosure under the State's public records law in 1
15 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent
16 upon request of a legislative member of the Council or upon authorization of
17 the Joint Fiscal Committee or a standing committee of the General Assembly,
18 and shall also be available to the Auditor of Accounts in connection with the
19 performance of duties under section 163 of this title; provided, however, that
20 the Joint Fiscal Office or its agent and the Auditor of Accounts shall not
21 disclose, directly or indirectly, to any person any proprietary business

1 information or any information that would identify a business except in
2 accordance with a judicial order or as otherwise specifically provided by law.

3 ~~(2)(A) The Vermont Economic Progress Council shall make and~~
4 ~~preserve a recording of its executive sessions, which shall not be subject to~~
5 ~~public disclosure under the State's public records law in 1 V.S.A. chapter 5 but~~
6 ~~shall be available to the Joint Fiscal Office or its agent upon authorization of~~
7 ~~the Joint Fiscal Committee or a standing committee of the General Assembly~~
8 ~~and shall also be available to the Auditor of Accounts in connection with the~~
9 ~~performance of duties under section 163 of this title.~~

10 ~~(B) The Joint Fiscal Office, its agent, and the Auditor of Accounts~~
11 ~~shall not further disclose the recordings except in accordance with a judicial~~
12 ~~order or as otherwise specifically provided by law.~~

13 (c) Nothing in this section shall be construed to prohibit the publication of
14 statistical information, rulings, determinations, reports, opinions, policies, or
15 other information so long as the data are disclosed in a form that cannot
16 identify or be associated with a particular business.

17 Sec. 5. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts
18 and Resolves No. 164, Sec. 5, is further amended to read:

19 Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD

20 INCENTIVES

1 Notwithstanding any provision of law to the contrary, the Vermont
2 Economic Progress Council shall not accept or approve an application for a
3 Vermont Employment Growth Incentive under 32 V.S.A. chapter 105,
4 subchapter 2 on or after January 1, ~~2024~~ 2026.

5 Sec. 6. ECONOMIC DEVELOPMENT INCENTIVES; STUDY

6 (a) Creation. There is created the Task Force on Economic Development
7 Incentives composed of the following five members:

8 (1) one member of the House Committee on Commerce and Economic
9 Development and one at-large member with experience in business and
10 economic development appointed by the Speaker of the House of
11 Representatives;

12 (2) one member of the Senate Committee on Economic Development,
13 Housing and General Affairs and one at-large member with experience in
14 business and economic development appointed by the Senate Committee on
15 Committees; and

16 (3) one at-large member with experience in business and economic
17 development appointed jointly by the Speaker of the House of Representatives
18 and the Senate Committee on Committees.

19 (b) Powers and duties. The Task Force shall conduct hearings, receive
20 testimony, and review and consider:

1 (1) the purpose and performance of current State-funded economic
2 development incentive programs; and

3 (2) models and features of economic development incentive programs
4 from other jurisdictions of comparable geographic size, population size, or
5 budget size, including:

6 (A) the structure, management, and oversight features of the
7 program;

8 (B) the articulated purpose, goals, and benefits of the program, and
9 the basis of measuring success; and

10 (C) the mechanism for providing an economic incentive, whether
11 through a loan, grant, equity investment, or other approach.

12 (c) Assistance.

13 (1) The Task Force shall have the administrative, fiscal, and legal
14 assistance of the Office of Legislative Operations, the Joint Fiscal Office, and
15 the Office of Legislative Counsel.

16 (2) The Task Force may direct the Joint Fiscal Office to issue a request
17 for proposals and enter into one or more agreements for consulting services.

18 (d) Report. On or before January 15, 2024, the Task Force shall submit a
19 report to the House Committee on Commerce and Economic Development and
20 the Senate Committee on Economic Development, Housing and General
21 Affairs with its findings and any recommendations for legislative action.

1 including whether and how any proposed program addition, revision, or other
2 legislative action would:

3 (1) integrate with and further advance the current workforce
4 development and economic development systems in this State; and

5 (2) advance the four principles of economic development articulated in
6 10 V.S.A. § 3.

7 (e) Meetings.

8 (1) The member of the House Committee on Commerce and Economic
9 Development shall call the first meeting of the Task Force to occur on or
10 before September 1, 2023.

11 (2) The Committee shall select a chair from among its members at the
12 first meeting.

13 (3) A majority of the membership shall constitute a quorum.

14 (4) The Task Force shall cease to exist on January 15, 2024.

15 (f) Compensation and reimbursement.

16 (1) For attendance at meetings during adjournment of the General
17 Assembly, a legislative member of the Task Force serving in the member's
18 capacity as a legislator shall be entitled to per diem compensation and
19 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six
20 meetings.

1 (2) Other members of the Task Force shall be entitled to per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010 for not more than six meetings

4 (g) Appropriation. The amount of \$250,000.00 is appropriated from the
5 General Fund in fiscal year 2024 for per diem compensation and
6 reimbursement of expenses for members of the Task Force and for consulting
7 services approved by the Task Force pursuant to this section.

8 Sec. 7. EFFECTIVE DATE

9 This act shall take effect on July 1, 2023.

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(Committee vote: _____)

Representative _____
FOR THE COMMITTEE